



ENVIRONMENTAL & REGULATORY SERVICES  
PECFA  
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[www.commerce.state.wi.us](http://www.commerce.state.wi.us)

Scott McCallum, Governor  
Philip Edw. Albert, Secretary

## Wisconsin Department of Commerce Bureau of PECFA

### Bid Document

#### SECTION 1 - Scope of Work:

The Bureau of PECFA is seeking competitive bids to perform remedial action services on a petroleum release from a regulated petroleum product storage tank system. The site upon which bids are being solicited is:

**Bid Round Number:** 21  
**Comm Number:** 54639-8677-03-A  
**BRRTS Number:** 03-63-000181  
**Site Name:** Tammy's Corner Store (Former)  
**Site Address:** 103 E Main St La Farge WI

**Project Manager:** Tom Kendzierski  
**Project Manager address:** PO BOX 4001 Eau Claire WI 54702-4001  
**Project Manager phone:** 715-839-1604  
**Project Manager e-mail address:** [Thomas.kendzierski@dnr.state.wi.us](mailto:Thomas.kendzierski@dnr.state.wi.us)

|  |                        |
|--|------------------------|
| <b>Bid Announcement Date</b>   | <b>7/29/02</b>         |
| <b>Questions or requests for information must be submitted in writing and received by:</b> | <b>8/12/02 4:00 PM</b> |
| <b>Responses to the questions will be posted (and if requested, sent in writing) by:</b>   | <b>8/30/02</b>         |
| <b>Bid End Date and Time:</b>  | <b>9/13/02 by Noon</b> |

The site investigation report, upon which bids are being sought, and the successful bid, when determined, are available for inspection at:

**Department of Natural Resources 1300 W Clairemont Eau Claire WI**

Please contact the project manager listed above for an appointment.

Copies of the site investigation report can be purchased for the cost of reproduction and handling at the following address:

**Bob's Copy Shop 37 University Square Madison 53715**

**Phone: 608-257-4536**

**Fax: 608-257-6555**

## **SECTION 2 - Site Specific Bid Specification Requirements:**

### **A) Project Manager Comments**

#### **1) General Comments:**

The site is a former gasoline service station and is currently vacant. In October, 1999, six USTs were removed from the site, including one leaded and two unleaded gasoline tanks, one diesel fuel tank, one fuel oil tank, and one waste oil tank, in addition to the dispensers and associated distribution piping. Soil contamination in the unsaturated silt to sandy soils is present in the area of the pump island and UST excavations above the applicable NR 720 RCLs, NR 746.06 Table 1 residual petroleum product indicator values, NR 746.06 Table 2 direct contact values, and WDNR suggested groundwater pathway RCLs and non-industrial direct contact pathway RCLs for PAHs. Soil petroleum contamination extends to the groundwater table (7 – 13 feet bgs) located within the unconsolidated silt to sandy soils and is contributing to NR 140 groundwater exceedances as indicated by the eight site monitoring wells and one piezometer. Groundwater is impacted by PVOCs, chlorinated compounds, naphthalene and lead. Free product is present in MW-1, located in one of the two site UST excavation areas, and free product abatement began in June 2000.

An addendum to the Site Investigation consisting of eight push probe borings was reported on May 7, 2002. Purpose of the addendum was to further define the soil contamination.

NOTE TO BIDDERS 1: Chlorinated compounds (PCE and TCE) were found in groundwater in the initial sampling round at MW-2 but not analyzed or confirmed in subsequent rounds. Confirmation and significance of any chlorinated contamination remains to be completed at this site and may be a factor in remedial activities, waste characterization and disposal of investigative waste.

Costs associated with remediation of contamination or disposal of wastes containing ineligible product/contamination will be considered by the Department of Commerce to be ineligible expenses. Consequently, bidders should not include these costs in the bid response. As per Comm 47.30(4), any costs required because of the presence of an ineligible product may not be claimed even if a remedial benefit may be derived by the remediation of the eligible product. Incremental additional costs for groundwater sampling analyses due to the ineligible product/contamination will also be considered to be ineligible and should not be included in the bid response.

NOTE TO BIDDERS 2: During bid preparation, Bidders are strongly encouraged to review the criteria for selecting remedial actions stated in NR 722 Wisconsin Administrative Code.

NOTE TO BIDDERS 3: For purposes of this bid and establishing the remedial cost cap to closure, no additional investigation of soil and/or groundwater

contamination beneath the Main Street ROW and Campbell Automotive Property is required.

NOTE TO BIDDERS 4: While samples from MW 2 are required, for purposes of this bid and the remedial cost cap to closure, if contaminant trends shown in groundwater samples from MW-2 were to solely prevent closure, such a condition would not exclude modification of the cost cap.

2) The following Environmental Factor(s) were identified in the Site Investigation Report for this site:

Documented expansion of the plume margin.

- ☐ Verified contaminant concentrations in a private or public potable well that exceeds the preventive action limit established under ch. 160, Stats.
- ☐ Contamination within bedrock or within 1 meter of bedrock.
- ☒ Petroleum product that is not in the dissolved phase is present with a thickness of .01 feet or more, and verified by more than one sampling event.
- ☐ Documented contamination discharges to a surface water or wetland.

3) Minimum Remedial Requirements:

Control of sources of petroleum contamination contributing to direct contact hazards, hazards associated with the existence of free product, and sources of contamination contributing to continued groundwater contamination in violation of NR 140 Wisconsin Administrative Code is necessary for closure. Remedial action must achieve, document, and justify compliance with NR 726 Wis Administrative code.

Conduct a remedial action or actions to address impacted soil. The remedial action(s) selected must address both the residual petroleum product in soil pores and the direct contact pathway, in the former UST system area as well as the free product. If excavation is chosen as a source control method, then a sufficient number of post-excavation confirmation samples must be collected to document residual soil contaminant concentrations. Post-excavation soil samples must be analyzed for petroleum volatile organic compounds (PVOC) and polynuclear aromatic hydrocarbons (PAH).

Also, if excavation is proposed, Bidders shall provide a map of the proposed excavation area and indicate the volume of soil to be excavated as well as the treatment or disposal method for the excavated soil. Failure to provide this information in the bid response will result in a non-compliant bid.

Any monitoring wells removed during the source control action must be replaced.

Unless the case meets the criteria of s. NR 746.08, Wis. Adm. Code, soil at the site must either meet the generic residual contaminant levels (RCLs) contained in s. NR 720.09, Wis. Adm. Code, site specific RCLs must be calculated per s. NR 720.19(3), or a soil performance standard must be selected per s. NR 720.19(2)

before case closure can be approved. At the time that these specifications were written, the selection of a soil performance standard required the publishing of a class 1 public notice per NR 714.07(5), Wis. Admin. Code.

Conduct free product removal to the maximum extent practicable, consistent with the requirements of s. NR 708.13, Wis. Adm. Code. These actions must be conducted beyond the source control phase if the selected source control action or actions do not effectively mitigate the free product. Please note that two 55-gallon drums containing a total of 55-gallons of free product and water is currently stored on site and will require eventual disposal as part of this bid.

Bidders shall provide a brief, plan/statement indicating the free product removal remedy that will be conducted if free product is present after the selected source control action is completed. Failure to provide this information in the bid response will result in a non-compliant bid.

Subsequent to the source control action, conduct groundwater monitoring to assess the feasibility of natural attenuation to address the residual soil and groundwater contamination consistent with NR 726. Groundwater monitoring shall be conducted at wells necessary to demonstrate trends and justify closure on a quarterly basis for a minimum of two years

Unless the monitoring data demonstrates that the site is eligible for closure before that time (two years), at a minimum, monitoring shall include analyses for volatile organic compounds (VOC), PAH at monitoring wells MW-1 and MW-7 only, and appropriate field and laboratory natural attenuation indicator parameters (natural attenuation indicator parameters to be collected annually). The DNR would be willing to approve changes to the monitoring program (e.g., analytes) if post-remediation groundwater monitoring indicates that the changes would be appropriate.

Bidders shall provide a brief, post-source control groundwater monitoring plan/statement that indicates rounds/years of sampling, frequency, and analyses to be conducted. Failure to provide this information in the bid response will result in a non-compliant bid.

A report documenting the remedial action(s) shall be submitted following implementation of the remedy. Subsequent progress reporting shall be performed in accordance with s. NR 724.13(3), Wis. Adm. Code, using Form 4400-194, on an annual basis.

Include costs for preparation and submittal of PECFA claim(s) at appropriate milestone(s).

## **B) Bidder's Strategy for Remedial Action**

- 1) Identify the remedial strategy for obtaining a closed remedial action status.
- 2) Specifically describe what element of your proposed strategy will address the environmental factors/risk factors listed above. Also describe how, when, and why it will address them.
- 3) Provide a detailed description of the work to be performed. The description shall provide sufficient detail to establish that the proposed strategy will be successful in achieving the closed remedial action status identified above.
  - a) The detailed description may include, but is not limited to the following:
    - Technologies
    - Estimated years of operation
    - Estimated tons of soil
    - Approximate geometry/depth of excavation
    - Reporting details
    - Estimated years of monitoring
    - Frequency of sampling/number of wells/parameters
- 4) Specifically describe how you will address off-site contamination, if applicable.
- 5) Specifically describe how you will address any direct contact hazards, if applicable.

## **SECTION 3 - Conditions of Bid:**

The successful bidder will be the entity that complies with all provisions of the bid specification and provides the lowest total cost to a defined site closure or no further action-required decision. The closure or no further action decision will be made by either the Department of Commerce or the Department of Natural Resources, depending on statutory site assignment. PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept an institutional controls and notices as required under NR 726. In preparing the bid, the bidder must assume compliance with all applicable codes, including but not limited to Comm 46, Comm 47, and NR 700.

The successful bidder will be determined based upon conformance to and competitiveness under the bid protocol. The first determination will be whether the bidder has complied with all provisions of the bid. These bids will be considered responsive. From the responsive bids, the lowest total cost bid with an approvable approach to bring the site to a closed remedial action or no further action status will be determined.

The successful bid will be available to be viewed at the location identified in Section 1. If two or more bidders tie in the cost comparison, the bid with the lowest consulting cost will be used as the tiebreaker. All bid documents must be signed and sealed by a

Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin Department of Regulation and Licensing.

The Department reserves the right to reject any and all bids that meet any of the following conditions:

- The Department believes the remedial strategy is not appropriate to a specific geologic setting.
- From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).

The name of the successful bidder, bid amount, proposed outcome and supporting documentation will be provided to the site claimant along with instructions to inform the PECFA program in writing of their intent to either:

- Use the lowest identified bidder or
- Use another service provider.

In either case, PECFA reimbursement is capped at the dollar amount of the successful bid.

A successful bid does not mean or guarantee that all costs in a resultant claim are eligible, reasonable, necessary or reimbursable under the PECFA program.

If a bidder fails to comply with a bid provision the bid response will be determined to be non-responsive. If the bid response is responsive, but not the lowest cost service provider with an appropriate approach, it will be determined to be “non-successful.” Non-responsive and non-successful bidders will not be individually informed of their failure to achieve compliance with the bid specifications or to be the lowest bidder.

The successful bidder may be required to provide input to, and attend a meeting with the PECFA program and the claimant to explain the bid and the remedial approach.

Appeals, by bidders, of decisions regarding complying bids or costs are not allowed, as they do not constitute claimant reimbursement decisions under the PECFA program.

In compliance with this invitation to bid and subject to all conditions thereof, the signatory agrees to the following:

- If the signatory's bid is determined to be successful, the signatory must, within 15 days of the Department's notification, contact the claimant and confirm that they will provide the remedial services at the cost described within the Bid Response.
- That for a period of 90 days, starting with the Department's notification to the claimant, the signatory will hold firm their commitment to provide the remedial services and prices set forth in the Bid Response.

Failure to abide with the conditions stated above may result in exclusion from future PECFA Public Bidding events.

Questions, answers and interpretations will be considered an amendment of this solicitation. All answers and interpretations shall be in writing from the Program Manager identified in Section 1 of this solicitation. Neither the program nor the Department shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid Ending Date. After the date by which questions must be submitted by, identified in Section 1, no further questions will be addressed.

A written response will be provided at: <http://www.commerce.state.wi.us/ER/ER-PECFA-SiteBidding.html> (and mailed to all requesters of the bid package who are not able to access the web site, and who therefore request written correspondence from the program contact).

#### **SECTION 4 - Closure Specifications:**

A bid submitted must provide the total cost, excluding interest but including all closure costs, for the remediation up to approval as a closed remedial action status identified below:

##### **Unrestricted Closure**

**Closure with a NR 140 exemption**

**Closure with GIS Registry\***

**Closure with deed notice\***

**Closure with deed restriction\***

**Closure with NR 720.19 soil standards**

##### **Performance based NR 720.19 closure**

**Closure with site-specific conditions**

**Closure under NR 726.07**

**Closure under Comm 46/NR 746**

**Mass reduction**

*\* **Note:** PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept an institutional controls and notices as required under NR 726. PECFA eligible costs may include all closure costs, up to approval as a closed remedial action (i.e. monitoring well abandonment) that are otherwise eligible for reimbursement.*

If the PECFA maximum award for the site/occurrence is not believed to be adequate to remediate the site/occurrence to a closed or no further remedial action status, that belief must be specifically noted in the bid and the remedial effort that will be achieved by the bid amount. For the purpose of the competitive bid the contaminant mass is determined to be: **Not Applicable**. The basis for specifying the progress shall be contaminant mass reduction and be based upon the mass reduction at the following points on the site:

Not Applicable

If the site is reasonably expected to exceed its cap under the PECFA program, bidders may propose mass reduction, the lowest bidder will be determined on the basis of a cost per mass reduction ratio. If some bidders propose mass reduction and others propose costs to bring the site to a closed remedial action or no further action status, selection will be from those bidders proposing a closed or no further action result.

#### **SECTION 5 - Instructions to Bidders:**

By submission of a bid, bidder agrees that during the period following issuance of this solicitation and prior to notification of successful bidder, bidders shall not discuss the bid

or bid process except with the program contact designated in this solicitation. Bidders shall not discuss or attempt to negotiate with the claimant, other potential bidders or program staff any aspects of the bid without prior approval of the Project Manager specified. Infractions will result in rejection of the violator's bid and may also result in disqualification of the individual to provide bids and a formal complaint being lodged with the Department of Regulation and Licensing.

The bid submitted shall address all the site specific bid specification requirements identified in Section 2. The bid shall support in detail the strategy to achieve the closed or no further remedial action status or remedial mass reduction goal if applicable. A full remedial action plan is not required as part of the bid submittal. A full remedial action plan may be requested by the program.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Project Manager. If the Project Manager is not able to arrange site access, this fact will not delay the bid process or negate the comparison and potential selection from among the bids that are submitted. All costs associated with a site visit or preparation of a bid will be the responsibility of the bidder.



The Bid Process must conform to the following:

1. The closed remedial or no further action status to be achieved must be stated using the options available from the list provided in Section 4.
2. Indicate in the Bid Response a contaminant mass reduction proposal if the PECFA maximum award is not believed to be adequate to remediate the site/occurrence.
3. The Bid Response shall address all the site specific bid specification requirements identified in Section 2 and shall support in sufficient detail and succinctly the remedial strategy.
4. The total cost (in dollars) to accomplish the stated remedial goal, including all fees, reporting cost, pre and post closure costs and costs for establishing restrictions or institutional controls but, excluding interest and investigation costs.
5. The costs specified in #4 shall separately identify consulting (non-commodity) costs.
6. The submittal must include an original and two (2) copies of the Bid Response documents signed and sealed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. Include the appropriate registration number of the professional license.
7. Bids can not be "faxed" directly to the program. Documents received by fax will not be accepted or considered.
8. Bids, amendments thereto or withdrawal requests must be received by the time advertised for bid opening. It is the bidder's sole responsibility to insure that these documents are received by the contact at the time indicated in this solicitation document.
9. All specifications or descriptive papers provided with the bid submission must include the bidder's telephone number and Commerce number thereon. Identify the name of the consulting firm on the 1<sup>st</sup> Page of the Bid Response.
10. The Commerce Number must be on the outside of the envelope in which the bid is submitted. The Department assumes no responsibility for unmarked or improperly marked envelopes. All envelopes received showing a bid number will be placed directly under locked security until the date and time of opening. Include only one Bid Response (an original and two (2) copies) per envelope.
11. Correction of errors on the bid form: All prices and notations shall be printed in ink, typewritten or computer printed. Errors shall be crossed out, corrections entered and initialed by the person signing the bid. Erasures or use of correction fluid will be cause for rejection. No bid shall be altered or amended after the time specified for the bid end date.
12. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid Ending Date.
13. Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).

14. From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.
15. If bidders consider the bid response to be proprietary information and exempt from disclosure, each part of the Bid Response must clearly marked *CONFIDENTIAL*. If any part is designated as confidential, there must be attached to that part an explanation of how the information is proprietary. The Department reserves the right to determine whether this information should be exempt from disclosure and no legal action may be brought against the State, Department or its agents for its determination in this regard.
16. The Bid Response must be appropriate to the site geologic setting.
17. Ambiguous bids, which are uncertain as to cost, time or compliance with this solicitation, will be rejected.
18. The Department reserves the right to reject any and all bids, and/or to cancel this solicitation at any time.
19. Each bidder shall fully acquaint itself with conditions relating to the scope and restrictions attending the execution of the work under the conditions of this solicitation. The failure or omission of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
20. All amendments to and interpretations of this solicitation shall be in writing from the Project Manager. Neither the Department nor the program shall be legally bound by any amendment or interpretation that is not in writing.
21. This solicitation is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this solicitation to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The solicitation may or may not be changed but a review of such notification will be made prior to award.

**BID RESPONSE**  
**(1<sup>st</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME:** Tammy's Corner Store  
(Former)  
**COMMERCE NUMBER:** 54639-8677-03  
**BRRTS NUMBER:** 03-63-000181

Submit Bid To Cathy Voges  
Department of Commerce PECFA Program  
201 W Washington Ave, Madison WI 53703-2790 or  
P.O. Box 8044, Madison WI 53708-8044

Bidder Company: \_\_\_\_\_  
Bidder Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone ( ) - \_\_\_\_\_  
Number: \_\_\_\_\_  
Fax Number: ( ) - \_\_\_\_\_  
e-mail Address: \_\_\_\_\_

Bidder: (check one that applies):

|       |                        |       |           |
|-------|------------------------|-------|-----------|
| _____ | Professional Engineer  | _____ | License # |
| _____ | Professional Geologist | _____ | License # |
| _____ | Hydrologist            | _____ | License # |
| _____ | Soil Scientist         | _____ | License # |

Seal

Signature: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Total Bid Cost \$ \_\_\_\_\_

Total Consulting Cost (subpart of Total Bid) \$ \_\_\_\_\_

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

BID RESPONSE

(2<sup>nd</sup> Page)

Department of Commerce PECFA Program

|                         |  |
|-------------------------|--|
| <b>SITE NAME:</b>       | <b>Tammy's Corner Store<br/>(Former)</b> |
| <b>COMMERCE NUMBER:</b> | <b>54639-8677-03</b>                     |
| <b>BRRTS NUMBER:</b>    | <b>03-63-000181</b>                      |

Consulting Firm phone number (    ) \_\_\_\_ - \_\_\_\_

This response must address all of the site-specific specifications identified in Section 2, and shall support in detail the remedial strategy. Attach additional pages if necessary. *The Commerce Number and Consulting Firm telephone number must be included on all additional pages.*